

(1390 REV. 5-93) U.S. DEPT. OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
115530

**TRANSMITTAL LETTER TO THE
UNITED STATES
DESIGNATED/ELECTED OFFICE
(DO/EO/US) CONCERNING A FILING
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.
(if known, sec 37 C.F.R.1.5)
09/936,921

INTERNATIONAL APPLICATION NO.
PCT/FR00/00754

INTERNATIONAL FILING DATE
March 24, 2000

PRIORITY DATE CLAIMED
March 26, 1999

TITLE OF INVENTION
DIAGNOSIS OF WHIPPLE'S DISEASE

APPLICANT(S) FOR DO/EO/US
Didier RAOULT et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☒ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ Entitlement to small entity status is hereby asserted.
17. ☒ Other items or information: Response to Notification of Missing Requirements w/Attachments; Sequence Listing (paper and computer-readable copies)

U.S. APPLICATION NO. (if known, see 37
C.F.R. 1.5) 09/936,921

INTERNATIONAL APPLICATION NO.
PCT/FR00/00754

ATTORNEY'S DOCKET NUMBER
110530

17. ☐ The following fees are submitted:

Basic National fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO\$890.00

International preliminary examination fee paid to USPTO
(37 CFR 1.482)\$710.00

No international preliminary examination fee paid to USPTO
(37 CFR 1.482) but international search fee paid to USPTO
(37 CFR 1.445(a)(2))\$740.00

Neither international preliminary examination fee (37 CFR
1.482) nor international search fee (37 CFR 1.445(a)(2))
paid to USPTO\$1,040.00

International preliminary examination fee paid to USPTO
(37 CFR 1.482) and all claims satisfied provisions of PCT
Article 33(2)-(4)\$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than
☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR
1.492(e)).

Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X \$ 18.00	\$	
Independent Claims	- 3 =		X \$ 84.00	\$	
Multiple dependent claim(s)(if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Reduction by 1/2 for filing by small entity, if applicable.				-	\$
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$	
				Amount to be refunded	\$
				Charged	\$

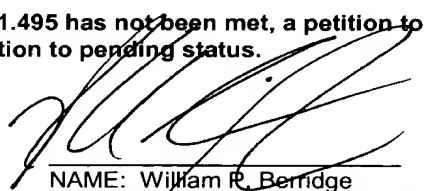
- a. ☐ Check No. _____ in the amount of \$_____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320

Date: October 30, 2002


NAME: William R. Berridge
REGISTRATION NUMBER: 30,024

NAME: Philip A. Caramanica, Jr.
REGISTRATION NUMBER: 51,528

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Didier RAOULT et al.

ATTN: PCT Branch

Application No.: 09/936,921

Docket No.: 110530

Filed: September 24, 2001

For: DIAGNOSIS OF WHIPPLE'S DISEASE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
DECLARATION ALREADY FILED

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

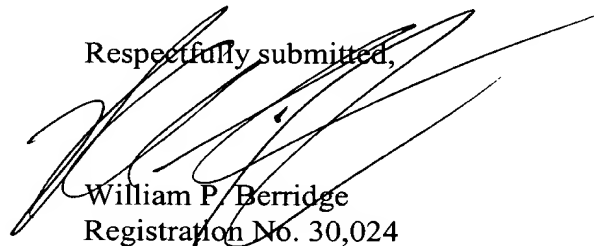
In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on August 30, 2002, the executed Declaration of the inventors was filed on September 24, 2001. A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto.

In addition, a Supplemental Preliminary Amendment is hereby concurrently filed. The Supplemental Preliminary Amendment submits a substitute Sequence listing (paper and computer-readable copies) that complies with the Sequence Listing requirements.

Entry of these documents on September 24, 2001 should have completed all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Philip A. Caramanica
Registration No. 51,528

WPB:PAC/da

Attachments:

Copy of Notification of Missing Requirements
Copy of Executed Declaration
Copy of Transmittal Letter
Copy of Date-Stamped Postcard Receipt

Date: October 30, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

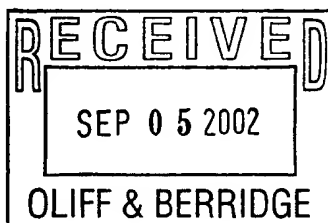
<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,921	Didier Raoult	

 Oliff & Berridge
 P.O. Box 19928
 Alexandria, VA 22320


INTERNATIONAL APPLICATION NO.	
PCT/FR00/00754	
I.A. FILING DATE	PRIORITY DATE
03/24/2000	03/26/1999

 CONFIRMATION NO. 3015
 371 FORMALITIES LETTER


OC00000008713262

Date Mailed: 08/30/2002

MISSING PARTS

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

DUE DATE

OCT 30 2002

DOCKETED
 By mm on 9/5 2002
 and
 By Jmm on 9/5 2002
 Oliff & Berridge

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY DOCKET NO.
09/936,921	PCT/FR00/00754	